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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,553	08/17/2000	YI-MIN WANG	1018.050US3	6337
22971	7590	12/12/2005	EXAMINER	
MICROSOFT CORPORATION ATTN: PATENT GROUP DOCKETING DEPARTMENT ONE MICROSOFT WAY REDMOND, WA 98052-6399			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/641,553	Applicant(s) WANG ET AL.	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8,10,18 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8,10,18 and 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 7-8, 10, 18, and 20-31 remain for further examination.

The new grounds of rejection

2. Applicants' amendments with respect to claims 7-8, 10, 18, and 20-31-23 filed on November 14, 2005 have been fully considered. The final the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the following new references.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7-8, 10, 18, 20-24, and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolev (U.S. Patent No. 5,029,159). Dolev's patent meets all the limitations for claims 7-8, 10, 18, 20-24, and 28-31 recited in the claimed invention.

5. As to claim 7, Dolev discloses a distributed system including a plurality of redundant components (see abstract; figure 1; and column 1 lines 12-64), and teaches a method for performance by a first redundant component (see summary of the invention), comprising: transmitting information (succession of signals) particular to the first redundant component to all other components in the plurality of redundant components, the information relating to one or more criteria according to which a currently-active leader component is to be determined (column 3 lines 9-18); receiving information from each other component in the plurality of redundant components particular to each component and relating to the one or more criteria according to which the currently-active leader component is to be determined (column 3 lines 18-21); and determining whether the first redundant component is the currently-active leader component by comparing the information particular to the first redundant component with the information received from each of the redundant components, wherein, if the first redundant component determines that it is not the currently-active leader component, the first component knows one of the component of in the plurality of redundant components is the currently-active leader component (figure 3; column 2 lines 42-61; column 3 lines 22-44; and column 47 to column 7 line 20).

6. As to claim 8, Dolev discloses that periodically repeating the method (figure 3; column 2 lines 57-61; column 3 lines 41-44; and column 7 lines 6-20).

7. As to claim 10, Dolev teaches that the transmitting the information particular to the first component comprises transmitting age information (terminal identification code) particular to the first component, and the receiving the information particular to the other components comprises receiving age information (terminal identification code) particular to the other components (column 6 lines 33-46).

8. As to claim 18, Dolev teaches that the determining whether the first component is the currently-active leader component comprises determining whether the first component is an oldest component (column 6 lines 24-32; and column 9 lines 48-59).

9. As to claims 20-23, they are also rejected for the same reasons set forth to rejecting claims 7-8, 10, and 18 above.

10. As to claim 24, Dolev teaches that the exchanging age information (terminal identification code) includes exchanging information regarding how long each component in the plurality of redundant components has been online (in the token ring) (column 6 lines 24-46; and column 9 lines 48-59).

11. As to claim 28-31, Dolev disclose that the redundant components are redundant executing processes, redundant class objects, redundant devices in an automation system, redundant nodes in a network (see abstract and summary of the invention; figure 2; and column 4 line 4-68)

Claim Rejections - 35 USC § 103(a)

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolve (U.S. Patent No. 5,029,159) in view of Badovintz et al (U.S. Patent No. 5,699,501).

14. As to claims 25-26, Dolev does not disclose that the redundant components are redundant instances of a daemon.

Badovintz et al disclose a distributed system including a plurality of redundant components (see abstract; figures 1-3; and column 3 line 34 to column 4 line 44) and also disclose that the redundant components are redundant instances of a daemon and the daemon is a system management daemon (column 4 line 29 to column 5 line 9; and column 6 line 20 to column 7 line 44).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Badovinatz et al as stated above with the distributed system including a plurality of redundant components of Dolev because it would have provided an integrated framework for designing and implementing fault-tolerant subsystems or redundant components.

15. As to claim 27, neither Dolev nor Badovinatz discloses that the daemon is a power line monitoring daemon. However, "Official Notice" is taken that the concept and advantages of using daemon as a power line monitoring daemon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify combination of Dolev and Badovinatz the concept of using daemon as a power line monitoring daemon because it would have provided consistent recovery of multiple subsystems or redundant components.

Response to Arguments

16. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Additional References

17. The examiner as of general interest cites the following references.

- a. Arendt et al, U.S. Patent No. 6,427,163.
- b. Moiin, U.S. Patent No. 6,108,699.

Contact Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

November 30, 2005

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER